

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:

SureFunding, LLC

Bankruptcy Case No.: 20-10935 (LSS)

Debtor.

Brett Hatton, Earl Coronel, et al.

MAR 15 2023

,

Appellants,

v.

Sure Funding LLC,

Appellee.

C.A. No. 23-175 MN

Bankr. BAP No. 23-004

**RECOMMENDATION**

At Wilmington this 16th day of March, 2023.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review which included a joint submission from counsel to determine the appropriateness of mediation in this matter. This submission provided by counsel for the parties was not made part of the court record because it relates to mediation.

This appeal commenced on February 16, 2023. Appellee filed a Motion for Order Dismissing Appeal for Lack of Jurisdiction or, Alternatively Denying Leave to

Appeal on February 28, 2023. D.I. 5. Thereafter, on March 7, 2023, Appellants filed a Motion for Stay of Motion Practice Schedule and Objections to Appellee's Motion to Dismiss the Appeal, or Alternatively, to Deny Leave to Appeal. D.I. 7.

Although the parties disagree about finality of the orders and the merits of the Appeal, to minimize expenses in connection with this litigation, they have agreed, subject to District Court approval, to stay all deadlines and other action in this appeal and participate in an in-person mediation before an agreed-upon mediator to be conducted before the end of April.

The parties contemplated seeking a global resolution of all issues, including those raised in 23-249-MN. Should mediation be unsuccessful, the parties will advise the District Court and attempt to agree on a briefing schedule regarding the pending motions and appeals in both matters.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter, along with 23-249 MN, be withdrawn from the mandatory referral for mediation in this Court to allow the parties to resolve all pending issues, including agreement on the terms of a plan of reorganization or liquidation. Since this Recommendation is consistent with the parties' request, no objections are anticipated pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyne  
Chief U.S. Magistrate Judge Mary Pat Thyne